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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

DAVID AND NATASHA WIT, *et al.*,  
Plaintiffs

Case No. 3:14-CV-02346-JCS  
Action Filed: May 21, 2014

**V.**

**UNITED BEHAVIORAL HEALTH**  
**(operating as OPTUMHEALTH**  
**BEHAVIORAL SOLUTIONS)**

**DECLARATION OF CAROLINE E.  
REYNOLDS IN SUPPORT OF PLAINTIFFS'  
MOTION FOR CLASS CERTIFICATION**

Defendant.

Case No. 3:14-CV-05337-JCS  
Action Filed: December 4, 2014

v.  
UNITED BEHAVIORAL HEALTH  
(operating as OPTUMHEALTH  
BEHAVIORAL SOLUTIONS),  
Defendant.

Date: June 17, 2016  
Time: 9:30 A.M.  
Judge: Hon. Joseph C. Spero  
Courtroom: G

**REDACTED VERSION OF DOCUMENT  
SOUGHT TO BE SEALED**

1 I, CAROLINE REYNOLDS, declare and state as follows:

2       1. I am over 18 years of age. I am an attorney licensed to practice in New York  
 3 State and the District of Columbia and have been admitted *pro hac vice* to practice before this  
 4 Court in this case. I am a partner of the law firm Zuckerman Spaeder LLP, and counsel of record  
 5 in the above-captioned actions for Plaintiffs David and Natasha Wit, Lori Flanzraich, Cecilia  
 6 Holdnak, Brian Muir, Brandt Pfeifer, Linda Tillitt, Gary Alexander, Michael Driscoll, David  
 7 Haffner, and Corinna Klein (collectively “Plaintiffs”). I am responsible for the day-to-day  
 8 management of this action. I have personal knowledge of the facts set forth herein.

9       2. **Exhibit A-1** hereto is a true and correct copy of a chart I prepared, entitled,  
 10 “Summary of Selected Level of Care Guideline Provisions Over-Emphasizing Acute Criteria.”  
 11 The chart indicates whether the UBH Level of Care Guidelines for each year from 2011-2016,  
 12 relevant excerpts from which are attached hereto as Exhibit B, contain the provisions described  
 13 in the first column of the chart.

14       3. **Exhibit A-2** hereto is a true and correct copy of a chart I prepared, entitled,  
 15 “Coverage Determination Guideline Analysis.” The chart lists the UBH Coverage  
 16 Determination Guidelines (“CDGs”) that Plaintiffs are challenging in this litigation, excerpts of  
 17 which are attached hereto as Exhibit C. The CDGs are listed by year, diagnosis and (where  
 18 applicable) level of care. The chart indicates whether the CDG incorporates the criteria  
 19 contained in UBH’s Level of Care Guidelines for the corresponding year. A “yes” answer in that  
 20 column indicates that the CDG: (1) includes, verbatim, the criteria found in the Level of Care  
 21 Guidelines’ Common Criteria; (2) incorporates the Level of Care Guidelines by reference by  
 22 citing to the applicable “LOCG”; and/or (3) states that coverage is excluded if services are not  
 23 consistent with UBH’s Level of Care Guidelines.

24       4. **Exhibit B** hereto is a true and correct copy of a compilation of excerpts from  
 25 UBH’s Level of Care Guidelines for the years 2011-2016. The Guidelines appear in reverse  
 26 chronological order, beginning with 2016 and ending with 2011. Each year’s excerpt contains  
 27 the Introduction; Common Criteria (including criteria relevant to admission, continued services,

1 and discharge); and the level-of-care criteria applicable to Mental Health Residential Treatment;  
 2 Mental Health Intensive Outpatient Program; Mental Health Outpatient Treatment, Substance  
 3 Use Disorder Residential Rehabilitation; Substance Use Disorder Intensive Outpatient Program;  
 4 and Substance Use Disorder Outpatient Treatment. For ease of reference, the Guidelines in  
 5 Exhibit B have been numbered sequentially, in the bottom right corner, from page B0001  
 6 through B0211, as follows:

<b>Guideline</b>	<b>Exhibit Page Nos.</b>
2016 Level of Care Guidelines	B0001 - B0042
2015 Level of Care Guidelines	B0043 - B0082
2014 Level of Care Guidelines	B0083 - B0119
2013 Level of Care Guidelines	B0120 - B0153
2012 Level of Care Guidelines	B0154 - B0183
2011 Level of Care Guidelines	B0184 - B0211

5. **Exhibit C** hereto is a true and correct copy of a compilation of relevant excerpts  
 6 from the UBH Coverage Determination Guidelines listed on the chart in Exhibit A-2. For ease  
 7 of reference, the Guidelines in Exhibit C have been numbered sequentially, in the bottom left  
 8 corner, from page C0001 through C1378.

9. **Exhibit D** hereto is a true and correct copy of two documents produced in this  
 10 litigation by UBH, in native-file format, with the bates numbers UBHWIT0000271 and  
 11 UBHWIT0000272.

12. **Exhibit E** hereto is a true and correct copy of relevant excerpts from documents  
 13 produced by UBH with the bates numbers UBHWIT0070985, UBHWIT0071027,  
 14 UBHWIT0070865, UBHWIT0071112, and UBHWIT0136584. For ease of reference, the  
 15 documents in Exhibit E have been numbered sequentially, in the bottom right corner, from page  
 16 E0001 through E0069. This Exhibit has been filed **UNDER SEAL**.

1       8.     **Exhibit F** hereto is a true and correct copy of a chart I prepared, entitled, "Named  
2 Plaintiffs and Sample Claimants in the Putative Classes." The chart indicates the Class, if any,  
3 as to which each Named Plaintiff and Sample Claimant satisfies the Class definition, and cites,  
4 by Exhibit page number, to the documents included in Exhibits G – J that support that  
5 conclusion. This Exhibit has been filed **UNDER SEAL**.

6       9.     **Exhibit G** hereto is a true and correct copy of a compilation of letters from UBH  
7 to each Named Plaintiff providing written notification that their requests for coverage were  
8 denied, along with an excerpt from UBH's electronic case record for each Named Plaintiff  
9 containing the pages relevant to each such denial. For ease of reference, the documents in  
10 Exhibit G have been numbered sequentially, in the bottom right corner, from page G0001  
11 through G0069. This Exhibit has been filed **UNDER SEAL**.

12       10.    **Exhibit H** hereto is a true and correct copy of a compilation of documents pro-  
13 duced by UBH with respect to each Sample Claimant who requested coverage for residential  
14 treatment. The Exhibit includes, for each such Sample Claimant, (a) relevant excerpts from  
15 UBH's electronic case record containing the pages relevant to each such denial; or (b) the letter  
16 from UBH to each such Sample Claimant providing written notification of the denial. UBH  
17 produced each such document with a "Unique ID" corresponding to the relevant Sample  
18 Claimant stamped in the top left corner. For ease of reference, the documents in Exhibit H have  
19 been numbered sequentially, in the bottom right corner, from page H0001 through H0237. This  
20 Exhibit has been filed **UNDER SEAL**.

21       11.    **Exhibit I** hereto is a true and correct copy of a compilation of documents pro-  
22 duced by UBH with respect to each Sample Claimant who requested coverage for outpatient  
23 treatment. The Exhibit includes, for each such Sample Claimant, (a) relevant excerpts from  
24 UBH's electronic case record containing the pages relevant to each such denial; or (b) the letter  
25 from UBH to each such Sample Claimant providing written notification of the denial. UBH  
26 produced each such document with a "Unique ID" corresponding to the relevant Sample  
27 Claimant stamped in the top left corner. For ease of reference, the documents in Exhibit I have  
28

1 been numbered sequentially, in the bottom right corner, from page I0001 through I0136. This  
2 Exhibit has been filed **UNDER SEAL**.

3       12. **Exhibit J** hereto is a true and correct copy of a compilation of documents pro-  
4 duced by UBH with respect to each Sample Claimant who requested coverage for intensive  
5 outpatient treatment. The Exhibit includes, for each such Sample Claimant, (a) relevant excerpts  
6 from UBH's electronic case record containing the pages relevant to each such denial; or (b) the  
7 letter from UBH to each such Sample Claimant providing written notification of the denial.  
8 UBH produced each such document with a "Unique ID" corresponding to the relevant Sample  
9 Claimant stamped in the top left corner. For ease of reference, the documents in Exhibit J have  
10 been numbered sequentially, in the bottom right corner, from page J0001 through J0136. This  
11 Exhibit has been filed **UNDER SEAL**.

12       13. **Exhibit K** hereto is a true and correct copy of a chart I prepared, entitled, "Plan  
13 Term Analysis." This exhibit indicates whether the terms of the Named Plaintiffs' plans and  
14 each of the plans in the agreed-upon Plan Sample conditions coverage for mental health and  
15 substance use disorder treatment upon a finding that the services are consistent with generally  
16 accepted standards of care. The chart answers "yes" to this question if the plan terms (a) define  
17 Covered Services as services that are consistent with generally accepted standards of care or as  
18 services that are Medically Necessary; (b) exclude coverage for services that are *not* consistent  
19 with generally accepted standards of care or services that are *not* Medically Necessary; and/or  
20 (c) define Medically Necessary services as those that are consistent with generally accepted  
21 standards of care. The chart cites the relevant excerpts for each plan, attached hereto in Exhibits  
22 L-O, by Exhibit page number. This Exhibit has been filed **UNDER SEAL**.

23       14. **Exhibit L** hereto is a true and correct copy of a compilation of relevant excerpts  
24 from the plan term documents for each Named Plaintiff. For ease of reference, the documents in  
25 Exhibit L have been numbered sequentially, in the bottom right corner, from page L0001 through  
26 L0180. Portions of this Exhibit have been filed **UNDER SEAL**.

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1       15. **Exhibit M** hereto is a true and correct copy of a compilation of relevant excerpts  
 2 from the plan term documents produced by UBH with respect to each Sample Claimant who  
 3 requested coverage for residential treatment. UBH produced each such document with a “Unique  
 4 ID” corresponding to the relevant Sample Claimant stamped in the top left corner. For ease of  
 5 reference, the documents in Exhibit M have been numbered sequentially, in the bottom right  
 6 corner, from page M0001 through M0721. This Exhibit has been filed **UNDER SEAL**.

7       16. **Exhibit N** hereto is a true and correct copy of a compilation of relevant excerpts  
 8 from the plan term documents produced by UBH with respect to each Sample Claimant who  
 9 requested coverage for outpatient treatment. UBH produced each such document with a “Unique  
 10 ID” corresponding to the relevant Sample Claimant stamped in the top left corner. For ease of  
 11 reference, the documents in Exhibit N have been numbered sequentially, in the bottom right  
 12 corner, from page N0001 through N0352. This Exhibit has been filed **UNDER SEAL**.

13       17. **Exhibit O** hereto is a true and correct copy of a compilation of relevant excerpts  
 14 from the plan term documents produced by UBH with respect to each Sample Claimant who  
 15 requested coverage for intensive outpatient treatment. UBH produced each such document with  
 16 a “Unique ID” corresponding to the relevant Sample Claimant stamped in the top left corner.  
 17 For ease of reference, the documents in Exhibit O have been numbered sequentially, in the  
 18 bottom right corner, from page O0001 through O0409. This Exhibit has been filed **UNDER  
 19 SEAL**.

20       18. **Exhibit P** hereto is a true and correct copy of a compilation of excerpts from the  
 21 transcripts of the following depositions taken in this matter:

<b>Exhibit Page</b>	<b>Date</b>	<b>Deponent</b>
P0001 – P0005	March 18, 2016	UBH 30(b)(6) designee, John Beaty

<b>Exhibit Page</b>	<b>Date</b>	<b>Deponent</b>
P0006 – P0014	January 20, 2016	UBH 30(b)(6) designee, Margaret Brennecke
P0015 – P0023	February 5, 2016	UBH 30(b)(6) designee, Frances Bridge
P0024 – P0043	January 28, 2016	UBH 30(b)(6) designee, Lorenzo Triana
P0044 – P0046	February 11, 2016	UBH Medical Director, Satwant Ahluwalia
P0047 – P0052	January 18, 2016	UBH Medical Director, Theodore Allchin
P0053 – P0057	February 3, 2016	UBH Medical Director, Leslie Moldauer
P0058 – P0064	February 9, 2016	UBH Psychologist Peer Reviewer, Lin Zhu
P0065 – P0067	October 15, 2015	Named Plaintiff Lori Flanzraich
P0068 – P0069	September 22, 2015	Named Plaintiff Cecilia Holdnak
P0070 – P0071	September 4, 2015	Named Plaintiff Brian Muir
P0072 – P0074	October 30, 2015	Named Plaintiff David Haffner

For ease of reference, the documents in Exhibit P have been numbered sequentially, in the bottom right corner, from page P0001 through P0074. This Exhibit has been filed **UNDER SEAL**.

1 19. [REDACTED]  
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22 20. **Exhibit R** hereto is a true and correct copy of the *Wit* Plaintiffs' Consolidated  
23 Supplemental Responses and Objections to Defendant's Second Set of Interrogatories, which  
24 Plaintiffs served on UBH on January 18, 2016.

25 21. **Exhibit S** hereto is a true and correct copy of letters UBH sent to the Named  
26 Plaintiffs providing written notification that their internal administrative appeals were denied,  
27 which were produced by UBH in this litigation. Exhibit S also includes an appeal letter

1 submitted to UBH on behalf of Corinna Klein, which was produced by her doctor, third party Dr.  
2 Mark Leffert. For ease of reference, the documents in Exhibit S have been numbered  
3 sequentially, in the bottom right corner, from page S0001 through S0032. Exhibit S is being filed  
4 **UNDER SEAL.**

5        22. **Exhibit T** hereto is a true and correct copy hereto is a true and correct copy of  
6 relevant excerpts from documents produced by UBH, in native-file format, with the bates  
7 numbers UBHWIT00263505, UBHWIT0263506, and UBHWIT0263517. For ease of reference,  
8 the documents in Exhibit T have been numbered sequentially, in the bottom right corner, from  
9 page T0001 through T0038. This Exhibit has been filed **UNDER SEAL**.

10       23. **Exhibit U** hereto is a true and correct copy of the biographies of Zuckerman  
11 Spaeder attorneys D. Brian Hufford, Jason S. Cowart, Caroline E. Reynolds, Andrew Caridas,  
12 and Ramya Kasturi, and the resume of Psych-Appeal, Inc. founder, Dr. Meiram Bendat, J.D.,  
13 PhD.

15 I declare under penalty of perjury that the foregoing is true and correct.

17 Executed this 28 day of March, 2016, at Washington, DC.

s/ Colm S. Ryall